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November 15, 2005

Kim Heroy-Rogalski
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812-2815

RE: Comment on Preliminary Regulatory Concepts for Off-road Equipment Measure

Dear Ms. Heroy-Rogalski

Engine Control Systems is pleased to provide the following comments with respect to the development of these Off-road Equipment control measures.

The regulatory comments propose that newly purchased or leased equipment with rated power greater than or equal to 175 horsepower either meet Tier 4 PM standards or have the highest level VDECS available installed at time of purchase.

Engine Control Systems believes that requiring compliance at the time of sale or lease will afford a significant competitive advantage to the OE distribution channel for the supply of VDECS. This requirement will result in pressure on suppliers of VDECS to market their products through OE distribution channels and potentially restrict supply to the market.

The fact that the potential sale or lease of a new piece of equipment will become dependent upon the installation of a VDECS will create pressure from the OE or its distributor on the VDECS supplier to agree that such equipment and its yet to be determined duty cycle will be amenable to use of the VDECS and for the VDECS supplier to assume warranty without full examination of the intended equipment use.

In addition, conditions contained within OE distribution agreements may also restrict the equipment buyer or OE distributor from having access to all potential VDECS or the most suitable VDECS solutions if the supply of these products contravenes the OE distribution agreement.

The way to ensure that the full range of potential solutions is available is to ensure retrofit with the highest level VDECS available on each engine within 30 days of being placed in-service by the end user (or something to that effect).

This will place the onus on the end user to source verified products for his application but afford the end user the ability to select from a broader range of VDECS. It is proposed that the broader range of available VDECS will afford greater competition and allow the user to select the best available VDEC for his application.

We hope this comment is helpful and would be happy to discuss this further at your convenience.

Yours truly,

A handwritten signature in dark ink, appearing to read "Kevin Brown". The script is cursive and fluid, with the first name "Kevin" and last name "Brown" clearly distinguishable.

Kevin Brown
Engine Control Systems